

AN ORDINANCE

BY COUNCILMAN CEASAR C. MITCHELL

09-0-0203

AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE II, SECTION 62-46 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA (ENTITLED "PRETRIAL DIVERSION FEE") SO AS TO SPECIFY THE GENERAL FUND USES FOR WHICH THE FEES SHALL BE ALLOCATED; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, O. C. G. A. Section 15-18-80 (f), from which the authority derives for the Solicitor of the Municipal Court to create and administer a pretrial intervention and diversion program and to charge a fee therefor not to exceed \$300.00 to each participant; and

WHEREAS, said state law implies that the purpose of the fee is to defray the cost to the Solicitor's Office for the administration of the program, however, the funds so collected are placed into the city's general fund and not directly applied to administer the program as contemplated by state law; and

WHEREAS, in addition to funding the administration of the pretrial intervention and diversion program, said funds should also be used to defray other public safety initiatives.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: Chapter 62, Article II, Section 62-46 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 62-46. Pretrial diversion fee.

In every case that a defendant is allowed to participate in any pretrial diversion program under the supervision of the solicitor of the municipal court, there shall be imposed a fee as a condition of completion of the pretrial diversion program. Such a fee shall be in an amount not to exceed \$300.00. Any fee may be waived or amended upon determination as to undue hardship, inability to pay and any other extenuating factors that prohibit collection of the fee. All fees collected shall be paid into the general fund of the city.

Is hereby amended to add the following language to the last sentence of said section: "two-third's (2/3's) of which shall be specifically allocated to defray the costs to the Solicitor's Office for the administration of the program and one-third (1/3) of which shall be allocated to the funding of community policing initiatives and code enforcement operations"

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So that when amended, said Section shall provide as follows:

Sec. 62-46. Pretrial diversion fee.

In every case that a defendant is allowed to participate in any pretrial diversion program under the supervision of the solicitor of the municipal court, there shall be imposed a fee as a condition of completion of the pretrial diversion program. Such a fee shall be in an amount not to exceed \$300.00. Any fee may be waived or amended upon determination as to undue hardship, inability to pay and any other extenuating factors that prohibit collection of the fee. All fees collected shall be paid into the general fund of the city, **two-third's (2/3's) of which shall be specifically allocated to defray the costs to the Solicitor's Office for the administration of the program and one-third (1/3) of which shall be allocated to the funding of community policing initiatives and code enforcement operations.**

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby waived to the extent of any such conflict.

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(Do Not Write Above This Line)

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- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 1/22/09
Referred To: ftn / Excc
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd
- ☐ 1st & 2nd
- ☐ 3
- ☐ Consent
- ☐ V Vote
- ☐ RC Vo

CERTIFIED

MAYOR'S ACTION